

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLEN GUTTING, et al.,

Plaintiffs,

Case No. 17-10203

Honorable Victoria A. Roberts

v.

JAYCO ENTERPRISES, INC, et al.,

Defendant.

**ORDER: (1) GRANTING IN PART AND DENYING IN PART RVONE
AND BANK OF THE WEST'S MOTION FOR SUMMARY JUDGMENT [Doc. 6];
(2) GRANTING JAYCO'S MOTION FOR SUMMARY
JUDGMENT [Doc. 7]; and (3) DISMISSING JAYCO FROM THE CASE**

Plaintiffs Glen and Brandy Gutting filed the underlying case against Jayco Enterprises, Inc., RVOne Superstores, Inc. and Bank of the West in October 2016. Plaintiffs allege five causes of action against each Defendant: (1) breach of express and implied warranties; (2) revocation of acceptance; (3) violation of Michigan Lemon Law; (4) Liability Under the Magnuson-Moss Warranty Act; and (5) violation of Florida Lemon Law. Plaintiffs voluntarily dismissed its Michigan Lemon Law claim during a phone conference in February 2017. [See Doc. 8].

Defendants move for summary judgment on the remaining claims. RVOne and Bank of the West filed a joint motion for summary judgment, and Jayco filed its own motion.

On June 21, 2017, the Court held a hearing on Defendants' motions. Justin English appeared for Plaintiffs, and Michael Dolenga appeared for Defendants. For the reasons stated on the record, the Court **GRANTS** Jayco's motion for summary

judgment [Doc. 7] and **DISMISSES** it from the case, and **GRANTS IN PART** and **DENIES IN PART** RVOne and Bank of the West's motion for summary judgment [Doc. 6]:

1. The Court **DENIES** RVOne and Bank of the West summary judgment on Plaintiffs' breach of implied warranties claim, Magnuson-Moss claim as to implied warranties, and revocation of acceptance claim. These are the only claims that proceed;
2. The Court **GRANTS** RVOne and Bank of the West summary judgment on Plaintiffs' remaining claims.
3. The Court **GRANTS** the motion on the remaining seven claims.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: June 21, 2017